



PRESS RELEASE

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FOURTH DRUG SMUGGLER ARRESTED IN MURDER OF BORDER PATROL AGENT

TUCSON, ARIZONA -- The United States Attorney's Office for the District of Arizona announced that on October 15, 2003, agents of the Mexican Agencia Federal de Investigación (AFI), working in conjunction with the Federal Bureau of Investigation, arrested Juan Manuel Umares-Rivas, (D.O.B. 07/11/1977), at his home in Caimanero, Sinaloa, Mexico. Umares-Rivas was arrested without incident on a provisional arrest warrant issued by the Mexican government, at the request of the government of the United States of America. He is in custody in Mexico City, Mexico, pending extradition proceedings to determine whether he will be returned to the United States of America to face charges in the June 3, 1998, murder of United States Border Patrol Agent Alexander Kirpnick.

On January 8, 2003, a federal grand jury at Tucson, Arizona, returned a seven count indictment against Umares-Rivas. The federal indictment charges Umares-Rivas with violating Title 18 of the United States Code, Sections 1111 and 1114, Murder of a Federal Officer; Title 18 of the United States Code, Section 848(e)(1)(B), Murder of a Federal Officer During Commission of a Narcotics Felony; Title 18 of the United States Code, Sections 924(c)(1) and (j)(1), Possession of a Firearm During the Commission of a Drug Trafficking Crime in Which Death Resulted; Title 21 of the U.S. Code,

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Sections 846, 841(a)(1) and 841 (b)(1)(D), Conspiracy to Possess with Intent to Distribute Less than 50 Kilograms of Marijuana; Title 21 of the United States Code, Sections 841(a)(1) and 841 (b)(1)(D), Possession with Intent to Distribute less than 50 Kilograms of Marijuana; Title 21, Sections 963, 952(a), 960(a)(1) 960(b)(4), Conspiracy to Import less than 50 Kilograms of Marijuana; and Title 21 of the United States Code, Section 952(a), 960(a)(1) and 960(b)(4); and Title 21 of the United States Code, Section 2, Aiding and Abetting.

The indictment alleges that Umares-Rivas aided and abetted in the murder of Agent Kirpnick, and aided and abetted in the conspiracy to import and possess with intent to distribute, and imported and possessed with intent to distribute, approximately 110 pounds of marijuana on or about June 3, 1998.

A conviction for murder of a federal agent, and/or the murder of a federal officer during the commission of a drug felony carries a maximum penalty of life imprisonment or death, a \$250,000 fine or both; a conviction for the possession of a firearm in which death results carries a maximum sentence of life imprisonment, a \$250,000 fine or both; and a conviction for each of the drug counts carries a maximum penalty of five years imprisonment, a \$250,000 fine or both.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

Agent Kirpnick, age 27, from the Nogales area, was murdered over the midnight hours of June 3, 1998, when he attempted to arrest four marijuana smugglers in a remote canyon, west of Nogales, Arizona. He died at a Tucson hospital, four hours after he was shot with a .38 revolver close- range to his head.

Three other individuals have been tried and convicted. Velarde-Lopez was arrested by Mexican authorities at his residence in Nogales, Sonora, Mexico, on June 11, 1998. On November 12, 1998, the government of Mexico granted his extradition to the United States. Following a jury trial in November,

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2001, Velarde-Lopez was convicted of all seven murder and drug charges. United States District Court Judge John M. Roll sentenced Velarde-Lopez to two consecutive life terms for First Degree Murder of a Federal Officer and Use and Carrying of a Firearm in Which Death Results. The sentence carries no possibility of parole, and Velarde-Lopez's direct appeals have all been denied.

Arenas-Hernandez was arrested by Mexican authorities in Nogales, Sonora, Mexico on June 12, 1998. The government of Mexico subsequently granted his extradition to the United States to stand trial. Arenas-Hernandez entered into a plea agreement with the United States and pled guilty to gun and drug charges. United States District Court Judge John M. Roll sentenced Arenas-Hernandez to fifteen years imprisonment.

Gamez was arrested several hours after the murder on a nearby road in the canyons outside Nogales, Arizona. Following a jury trial, Gamez was convicted of drug charges. United States District Court Judge John M. Roll sentenced Gamez to 151 months imprisonment. Gamez's direct appeals have been denied.

Agent Kirpnick joined the ranks of the United States Border Patrol in September, 1996, the same year he became a naturalized United States citizen. Agent Kirpnick was one of the Border Patrol's best linguists, fluent in five languages. Agent Kirpnick and his family, natives of the Ukraine, had immigrated to the United States 10 years earlier, when Mr. Kirpnick was 17 years old, to escape religious prosecution by the government of the former Soviet Union. Agent Kirpnick is survived by his parents and his sister.

Paul K. Charlton, United States Attorney for the District of Arizona, expressed his sincere appreciation to the government of Mexico for its sustained cooperation in this investigation. *"The investigation into the death of Agent Kirpnick would have been stymied at the international border without the extraordinary cooperation of Mexican law enforcement throughout this investigation,"* said Mr. Charlton.

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David Aguilar, Chief Patrol Agent, United States Border Patrol, Tucson Section said, "The arrest of this final suspect in the 1998 murder of Border Patrol Agent Alexander Kirpnick is a culmination of cooperative efforts between the Governments of the United States and Mexico. This case serves as proof that the pursuit of justice has no boundaries. The Customs & Border Protection/Border Patrol family is very appreciative of the relentless efforts of the United States Attorney's Office and all involved Law Enforcement agencies in bringing this tragic case to culmination."

The investigation was led by Special Agent Alan Misiaszek and Special Agent R. Kris Spilsbury of the Federal Bureau of Investigation. It involved extraordinary dedication and cooperation by Mexican authorities, agents of the Federal Bureau of Investigation, United States Border Patrol, Santa Cruz County Sheriff's Department, and other federal agencies, state and local law enforcement. The prosecution is being handled by Wallace H. Kleindienst and Mary Sue Feldmeier, Assistant United States Attorneys, District of Arizona, Tucson, Arizona.

CASE NUMBERS: CR-03-0074-TUC-CKJ (Umares-Rivas)
CR-98-788-TUC-JMR (Gamez, Velarde-Lopez, Arenas-Hernandez)

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